

Plaintiff, Peter Garvey, in supplement to his Unopposed Motion for Final Approval of Class Action Settlement filed August 24, 2021, states as follows:

1. Pursuant to the Court’s May 14, 2021 order in this action preliminarily approving the Parties’ proposed class action settlement [Dkt. 138], Plaintiff timely filed his Unopposed Motion for Final Approval of Class Action Settlement on August 24, 2021 (the “Motion”) [Dkt. 140].

2. Footnote number two in the Motion [at Dkt. 140, Page ID 1488] advised that “The Settlement Administrator, KCC Class Action Services LLC, is still reviewing approximately 7,500 of the claims, but has conclusively determined that another approximately 1,500 claims are valid. The remainder of the claims are duplicates or were filed late. *See infra* at 7. KCC will submit a supplemental affidavit once it has completed its review.”

3. Attached hereto as **Exhibit 1** is the September 3, 2021 *Supplemental Declaration of Jeanne Chernila Re: Notice Procedures* (the “Supplemental Declaration”).

4. The Supplemental Declaration provides updated information concerning the Claim Forms submitted in this action, as well as KCC's estimated total costs of administration.

5. Per paragraph 14 of the Supplemental Declaration, through September 3, 2021 KCC has received 10,032 timely-filed claim forms and 31 late filed claim forms. Of the 10,032 timely claim submissions, 1,582 have been conclusively determined to be valid, 1,319 have been determined to be duplicate submissions, and 7,131 claim submissions have been determined to be deficient.

6. Per paragraph 15 of the Supplemental Declaration, the 7,131 claims that have been determined to be deficient will be provided an opportunity to correct or "cure" their submissions, and once claimants have responded to KCC's inquiries, KCC will review all communications and information and make a final determination for all claim submissions.

7. In addition, per paragraph 18 of the Supplemental Declaration, as of August 27, 2021, KCC estimates that its total cost of administration through conclusion of the settlement to be \$108,942.04.

8. Finally, the Supplemental Declaration provides that through September 3, 2021 KCC has: (a) received no responses to the CAFA Notice Packet; (b) received no requests for exclusion from the Settlement; and (c) received no objections to the Settlement.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order: (1) finding that the Settlement is fair, reasonable, and adequate; (2) granting final approval of the Settlement; (3) approving Plaintiff's request for attorney's fees, expenses, and the incentive award; and (4) granting such further and additional relief as the Court deems just.

Dated: September 4, 2021

Respectfully submitted,

PETER GARVEY individually and on behalf of a
class of similarly situated individuals

By: /s/ John Sawin
Plaintiff's Attorney

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 4, 2021 I electronically filed the foregoing *Plaintiff's Supplement to Unopposed Motion for Final Approval of Class Action Settlement* with the Clerk of the Court using the CM/ECF system. A copy of said document will be electronically transmitted to all counsel of record.

/s/ John Sawin